

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:11-CR-135-D

UNITED STATES OF AMERICA)
)
 v.)) **ORDER**
)
 KENDALL LADELL BLUE,)
)
)
 Defendant.)

On July 12, 2016, Kendall Ladell Blue (“Blue”) filed a motion for relief from judgment under Rule 60(b) of the Federal Rules of Civil Procedure. See [D.E. 133]. The motion is largely incoherent, but Blue apparently seeks relief from this court’s order of June 13, 2016, denying his request for relief under 18 U.S.C. § 3582(c)(2). See id.

Rule 60(b) authorizes the court in a civil case to “relieve a party . . . from a final judgment, order, or proceeding for . . . mistake, inadvertence, surprise, or excusable neglect . . . [or] fraud[,] . . . misrepresentation, or misconduct by an opposing party . . . [or] any other reason that justifies relief.” Fed. R. Civ. P. 60(b); see Robinson v. Wix Filtration Corp. LLC, 599 F.3d 403, 412 & n.12 (4th Cir. 2010); Nat'l Credit Union Admin. Bd. v. Gray, 1 F.3d 262, 264–66 (4th Cir. 1993). However, a motion for relief from judgment under Rule 60(b) is a civil motion that is not available to an individual challenging his prison sentence under 18 U.S.C. § 3582(c). See, e.g., United States v. McCalister, 601 F.3d 1086, 1087 (10th Cir. 2010); United States v. Goodwyn, 596 F.3d 233, 235 n.* (4th Cir. 2010). Thus, Blue’s motion fails.

In sum, Blue's motion [D.E. 133] is DENIED.

SO ORDERED. This 18 day of July 2016.

James C. Dever
JAMES C. DEVER III
Chief United States District Judge